

REMARKS

Claims 1-25 and 27-37 remain in the application. Claims 1-37 were rejected. Claims 1, 27, 28, 29, 36 and 37 have been amended. Claim 26 has been cancelled.

Obvious-type Double Patenting

The Applicant will file a terminal disclaimer if an agreement can be reached in regards to placing pending claims in condition for allowance.

Rejections under 35 U.S.C. § 102(b)

Claims 1-4, 10, 12-13, 17-24, 26-30, 36-37 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6718510 (O'Connor). The rejection is respectfully traversed.

The present invention, as recited in the pending claims, describes method, apparatus and systems for distributing gaming applications to a plurality of gaming sites located in at least one regulatory region via a wide area network. The gaming applications include instances of gaming terminal software adapted for i) determining a game outcome for a game played on a gaming terminal wherein the game outcome is determined via execution of the gaming terminal software on the gaming terminal; ii) determining a value amount available for dispensation at the gaming terminal based upon a wager made on the game and based upon the determined game outcome wherein the value amount is determined via execution of the gaming terminal software on the gaming terminal and wherein the gaming terminal is operable to dispense the value amount via a tangible media; and iii) displaying the game outcome at the gaming terminal via execution of the gaming terminal software on the gaming terminal.

In O'Connor the games are played on communication terminals, such as a TV, telephone, PDA or electronic organizer (Col. 6: 60-66). A host computer calculates an outcome for the games played on these communication terminals and electronic keeps track of losses and wins by the user (Col. 7: 34-49, Col. 11: 18-24 and Col. 12:54-13:3). In O'Connor, storing, distributing or executing "instances of gaming terminal software adapted for i) determining a game outcome for a game played on a gaming terminal wherein the game outcome is determined via execution of the gaming terminal software on the gaming terminal; ii) determining a value amount available for dispensation at the gaming terminal based upon a wager made on the game and based upon the determined game outcome wherein the value amount is determined via execution of the gaming terminal software on the gaming terminal and wherein the gaming terminal is operable to dispense the value amount via a tangible media; and iii) displaying the game outcome at the

gaming terminal via execution of the gaming terminal software on the gaming terminal” is not described.

In O'Connor, the communication terminals don't calculate the game outcome and don't calculate a value amount available for dispensation at the communication terminal via a tangible media. But, a game can be displayed on the communication terminal. In O'Connor, the host calculates a game outcome. Nevertheless, since the host is always remote to the communication terminal, it does not execute game software to display the game outcome or a value amount available for dispensation at the communication terminal via a tangible media (e.g., coin out or a printed ticket). In O'Connor, transactions are all performed electronically (background, Col. 12:54-13:3). Thus, O'Connor can't be said to store, distribute or execute instances of gaming terminal software as described in the present invention. Therefore, for at least these reasons, O'Connor can't be said to anticipate claims 1-4, 10, 12-13, 17-24, 26-30, 36-37 and the rejection is believed overcome thereby.

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Rejections under 35 U.S.C. § 103(a)

Claims 5-9, 11, 14-16, 31-35 are rejected under 35 U.S.C. 103(a) as being unpatenable over U.S. Patent 6718510 (O'Connor). The rejection is respectfully traversed.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatenable over U.S. Patent 6718510 (O'Connor) in view of Pease. The rejection is respectfully traversed.

O'Connor doesn't teach or suggest storing, distributing and executing instances of gaming terminal software as described in the pending claims. For security reasons in O'Connor, a communication terminal used to display a game doesn't calculate the game outcome. Game outcomes are generated at a host remote to the communication terminal. Further, in O'Connor, transactions are performed electronically. Thus, the communication terminals don't dispense a value amount via a tangible media. In O'Connor, the hosts are remote to the player thus they don't display a game outcome to the player or dispense a value amount via a tangible media. Therefore, for at least, these reasons O'Connor can't be said to teach or suggest storing, distributing and executing instances of gaming terminal software of the present invention.

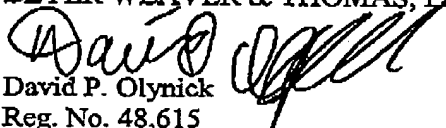
Examiner cites references, such as Acres and Pease, that describe gaming devices operable to execute instances of gaming terminal software of the present invention. Acres and Pease however teach that this type of software is stored on a fixed memory device such as an EPROM on a casino gaming machine but not on a remote host. Further, Pease only describes the downloading of software for peripheral devices, such as bill validators, because the gaming software that allows the games to be generated on the casino gaming machine is stored on a fixed

memory device, such as an EPROM. Pease or Acres don't teach or suggest storing or distributing, the instances of gaming terminal software of the present invention. As described above, O'Connor does not teach or suggest storing, distributing or executing the gaming terminal software of the present invention. Therefore, for at least these reasons, the combination of O'Connor, Pease and Acres can't be said to teach or suggest storing or distributing the instances of gaming terminal software of the present invention and thereby render obvious claims 5-9, 11, 14-16, 25 and 31-35.

Examiner has asserted, via the use of Official Notice, that claims 14-16 are obvious. Applicant traverses Examiner's Official Notice and respectfully asks Examiner to provide documentation of Examiner's assertions. Applicant agrees with Examiner that different regulations apply in different gaming jurisdictions. O'Connor describes different regulations in terms of different locations having different regulations for access to particular games that are played on the host. But, regulatory requirements for software aren't described in O'Connor.

Since gaming terminals at the time of the filing of this invention didn't have the capability to receive downloads of software, such as instances of gaming terminal software of the present invention, it would not be obvious to an artisan to add a plurality of versions of a game, each corresponding to a specific one of the regulatory schemes as known to O'Connor to increase utility and access to a game because such an addition would not server any purpose. At the time of filing of this application, the communication terminals described in O'Connor could not use the gaming terminal software of the present invention. Further, for security reasons the communication terminals wouldn't be allowed to execute the gaming terminal software. In addition, known gaming terminals operable to execute the gaming terminal software of the present invention were not enabled to receive downloads to satisfy regulatory and security requirements. Therefore, it would not have been obvious for an artisan to store multiple versions of the gaming terminal software on a remote server for distribution as asserted by the Examiner.

Respectfully submitted,
BEYER WEAVER & THOMAS, LLP


David P. Olynick
Reg. No. 48,615

P.O. Box 70250
Oakland, CA 94612-0250
(510) 663-1100